

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG and
FACEBOOK, INC.,

Defendants.
----- x

NOTICE OF FIFTH MOTION
TO COMPEL AND FOR
OTHER RELIEF

Civil Action No. 1:10-cv-00569-
RJA

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, and the annexed Declaration of Alexander H. Southwell, Esq. and accompanying exhibits, the undersigned will move this Court, as soon as the motion may be heard by this Court, to compel Plaintiff Paul Ceglia's compliance with this Court's expedited discovery orders under Federal Rule of Civil Procedure 37, and for an order:

(1) Authorizing Defendants to issue subpoenas to the webmail providers of the four concealed accounts specified in the accompanying Memorandum of Law;

(2) Requiring Google, Inc., and any other webmail providers that need a court order, to produce the contents of the accounts as authorized by Ceglia's consent forms;

(3) Directing Ceglia to comply with the Court's Orders by identifying in a corrected declaration all webmail accounts he has used since 2003 and explaining his failure to disclose any accounts in his previous declarations;

(4) Directing Ceglia to produce the eleven documents specified in the accompanying Memorandum of Law for *in camera* inspection and to justify his privilege claims over them;

(5) Directing Ceglia to comply with the Court's Orders by identifying in a corrected declaration all custodians for the "Lawsuit Overview" document, including the original author of that document, and explaining his failure to disclose any custodians in his previous declarations;

(6) Directing Ceglia to comply with the Court's Orders by producing all copies of the "Lawsuit Overview" document, including the original document from its author; and

(7) Awarding Defendants their reasonable attorney's fees and all other relief to which they may be entitled.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule of Procedure 7 of this Court, Defendants request oral argument and state their intention to file and serve reply papers.

Dated: New York, New York
February 21, 2012

Respectfully submitted,

/s/ Orin Snyder

Orin Snyder
Alexander H. Southwell
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue, 47th Floor
New York, NY 10166-0193
(212) 351-4000

Thomas H. Dupree, Jr.
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 955-8500

Terrance P. Flynn
HARRIS BEACH PLLC
726 Exchange Street
Suite 1000
Buffalo, NY 14210
(716) 200-5120

Attorneys for Defendants Mark Zuckerberg and Facebook, Inc.